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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,943	02/17/2004	Nobuyuki Tatsumi	NGB-15306	9354
40854 7590 01/18/2008 RANKIN, HILL & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808			EXAMINER RAMDHANIE, BOBBY	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,943

Applicant(s)

TATSUMI, NOBUYUKI

Examiner

Bobby Ramdhanie, Ph.D.

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, & 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/30/2007 have been fully considered but they are not persuasive. The following reasons are why:
2. Applicants state that Goto et al does not teach a rinsing section wherein a rinsing liquid in a bath is exchanged during the rinsing apparatus. Examiner respectfully disagrees. Claims 1 and 2 are directed to an apparatus, not the method of operating the apparatus. The patentability of the claims are dependent on the structural limitations and not the method of using the apparatus. In applicant's reply, applicants state on the record, that the Examiner has met the merits of the elected claims.
3. Applicants have also pointed out in their reply, that Goto et al teaches, suggest, and gives motivation for the method as described in the amended claims. A method therefore of using/operating the apparatus of Claims 1 & 2 would have been obvious to one of ordinary skill in the art at the time the invention.

Response to Amendment

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto et al (JP3142606). Goto et al teaches an automatic sampler for injecting a sample into a

sample introducing portion in communication to a column of a liquid chromatography ([0001] and Claims 1-3), comprising: A). A needle for sucking the sample from a sample liquid bath and injecting the sample into the sample introducing portion (Claim 3); B). A first rinsing section for rinsing said needle by soaking said needle in a first rinsing liquid, in a first rinsing bath, in which the first rinsing liquid in said first rinsing bath is not exchanged during the rinsing operation (Claim 1. Examiner takes the position that because the flow direction of the washing liquid is in the reverse direction, no uptake of the washing solution occurs and therefore, no solution is exchanged) and C). A second rinsing section for rinsing said needle by soaking said needle in a second rinsing liquid, in a second rinsing bath, in which the second rinsing liquid, in said second rinsing bath is exchanged during the rinsing operation, wherein said needle is rinsed by at least one rinsing section selected from said first rinsing section and said second rinsing section (Claim 2).

6. For Claim 2, Goto et al teaches the automatic sampler according to Claim 1, further comprising a switching section ([0013 & 0015]) the second rinsing liquid for use with said second rinsing section from among a plurality of rinsing liquids ([0012] & Claim 2).

7. Claims 3 & 4 stand withdrawn.

8. For Claim 5, Goto et al teaches the automatic sampler according to Claim 1, further comprising: A pump fluidly connected to the second liquid bath, wherein said pump is adapted to supply the second rinsing liquid to the second rinsing bath so as to exchange the second rinsing liquid in the second liquid bath (Figure 1 Item 25).

Examiner takes the position that the pump is fluidly connected via the 6-port valve which can be used for either of the two baths.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobby Ramdhanie, Ph.D. whose telephone number is 571-270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR


WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER